

**WEITZ & LUXENBERG**

*A New York Professional Corporation*  
51 Haddonfield Road, Suite 160  
Cherry Hill, New Jersey 08002  
Tel. (856) 488-9001

**FILED**

SEP 23 2002

JUDGE MARINA CORODEMUS

SALVADOR GARCIA, Individually and as  
Administrator of the Estate of HALEY GARCIA,  
deceased

Plaintiff,

v.

AMERICAN HOME PRODUCTS  
CORPORATION, ET. AL.,

Defendants.

:  
: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION  
: MIDDLESEX COUNTY  
:  
: DOCKET NO.: L-5532 - 01 MT  
:  
: CASE CODE: 264  
:  
: JURY TRIAL DEMANDED

---


**CONSENT ORDER TO AMEND CAPTION**

**THIS MATTER** having been opened to the Court by Franklin P. Solomon, Esquire,  
attorney for plaintiff, for an Order allowing plaintiffs to amend the caption of their Short-Form  
Complaint filed on February 4, 2002 pursuant to paragraph I..D. of Case Management Order #3  
Regarding Master & Short Form Complaints entered by the Court on January 3, 2002 and for  
good cause having been shown,

IT IS on the 23rd day of September, 2002,

**ORDERED** that if defendants have filed an answer to the Short Form Complaint they  
shall not be required to file an Amended Answer to this Amended Short Form Complaint as  
defendants' original answer shall be treated as its Amended Answer, and it is further

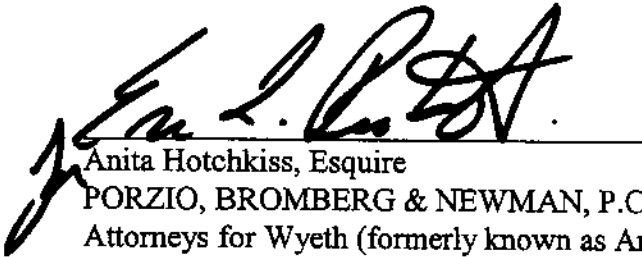
**ORDERED** that plaintiff, Salvador Garcia, Individually and as Administrator of the Estate of Haley Garcia, deceased, has leave of court to file his Amended Short-Form Complaint in the form attached hereto.

  
Honorable Marina Corodemus, U.S.C.

**WE HEREBY CONSENT TO THE  
FORM AND ENTRY OF THIS ORDER:**



Franklin P. Solomon, Esquire  
WEITZ & LUXENBERG  
Attorneys for Plaintiff



Anita Hotchkiss, Esquire  
PORZIO, BROMBERG & NEWMAN, P.C.  
Attorneys for Wyeth (formerly known as American  
Home Products Corporation) and its unincorporated  
division Wyeth Consumer Healthcare (formerly known  
as Whitehall-Robins Healthcare)

**WEITZ & LUXENBERG**

*A New York Professional Corporation*

51 Haddonfield Road, Suite 160

Cherry Hill, NJ 08002

Tel. (856) 488-9001

Attorneys for Plaintiff(s)

SALVADOR GARCIA, Individually  
and as Administrator of the Estate of  
HALEY GARCIA, deceased

Plaintiff,

v.

AMERICAN HOME PRODUCTS  
CORPORATION  
Five Giralda Farms  
Madison, NJ 07940

WHITEHALL-ROBINS HEALTHCARE  
Division of AMERICAN HOME  
PRODUCTS CORPORATION  
Five Giralda Farms  
Madison, NJ 07940

NOVARTIS CONSUMER HEALTH, INC.  
560 Morris Avenue  
Summit, NJ 07901-1312

NOVARTIS PHARMACEUTICALS  
CORPORATION, f/k/a Sandoz  
Pharmaceuticals Corporation  
Route 10  
East Hanover, NJ 07936

Defendants.

) SUPERIOR COURT OF NEW JERSEY

) LAW DIVISION

) MIDDLESEX COUNTY

)

) DOCKET NO.L- 5532-01

)

) Case Code Number: 264

)

)

)

) **AMENDED ABBREVIATED SHORT FORM**  
) **COMPLAINT FOR PPA LITIGATION**

)

) JURY TRIAL DEMANDED

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

**AMENDED ABBREVIATED INDIVIDUAL COMPLAINT FOR PPA  
LITIGATION AND ADOPTION BY REFERENCE**

1. Plaintiff for her/his claim against the defendants states and alleges as follows and incorporates by reference the relevant portions of the Master Complaint on file entitled In re: New Jersey Superior Court PPA Litigation Case Code No.264, now pending in the Superior Court of New Jersey, Law Division, Middlesex County before the Honorable Marina Corodemus, J.S.C.

Plaintiff selects and indicates by checking off the appropriate boxes, those products, parties and claims that are specific to her or his case. Where claims require, pursuant to New Jersey law, specific pleading or case specific facts and individual information, plaintiff shall add and include them herein.

2. Plaintiff, Salvador Garcia, Individually and as Administrator of the Estate of Haley Garcia, deceased, is an individual who resides at 3601 Sandhurst Drive, Flowermound in the State of Texas (hereinafter referred to as the Plaintiff). On or about May 30, 1999, Plaintiff was injured as a result of ingesting PPA containing product(s).

2A. Plaintiff brings this action:

☒ X on behalf of himself or herself

\_\_\_\_\_ as the representative of \_\_\_\_\_.

\_\_\_\_\_ as the parent and guardian ad litem of \_\_\_\_\_, a minor  
born on \_\_\_\_\_.

☒ X as the Administrator of the Estate of Haley Garcia Plaintiff's daughter  
(hereinafter "Decedent"; see Letters of Administration annexed hereto as Exhibit  
A), who died on June 2, 1999.

2B. Plaintiff claims damages as a result of:

☒ X Personal Injury to herself, himself, or the person represented

- ☒ Wrongful Death  
☒ Loss of Consortium (per quod)  
☒ Loss of Services  
☒ Economic Loss

3. Plaintiff/Decedent purchased and/or otherwise obtained and ingested the following:

- ☐ Robitussin CF  
☐ Contac  
☐ Alka Seltzer  
☐ Tavist-D  
☐ Dimetapp  
☐ Coricidin "D"  
☐ Accutrim  
☐ Dexatrim  
☐ Bayer Cough Syrup  
☐ Chlor-Trimeton Sinus Tablets  
☐ Comtrex  
☐ Dristan  
☒ Triaminic  
☐ Tylenol Cold Medicine  
☐ Vicks Day Quil Allergy Relief  
☒ Other (Robitussin )

4. Plaintiff's spouse, \_\_\_\_\_ is an adult individual residing at \_\_\_\_\_ in the State of \_\_\_\_\_ (hereinafter referred to as "Spouse") and claims damages as a result of:

\_\_\_\_\_ Loss of Consortium, date of marriage \_\_\_\_\_.

\_\_\_\_\_ Wrongful Death, date of death \_\_\_\_\_.

5. The following entity(s) are named as defendants as a consequence of plaintiff having suffered harm as a result of having ingested products containing PPA which were manufactured, promoted, distributed and/or sold by such defendant(s), and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

(Check appropriate defendants)

☒ American Home Products Corporation

\_\_\_\_\_ Bayer Corporation

\_\_\_\_\_ Bristol-Myers Squibb Co.

\_\_\_\_\_ CCA Industries, Incorporated

\_\_\_\_\_ The Delaco Company, successor by merger to Thompson Medical Company, Inc.

\_\_\_\_\_ Eckerd Corporation

\_\_\_\_\_ Health and Nutrition Systems International Inc.

\_\_\_\_\_ Heritage Consumer Products, LLC

☒ Novartis Consumer Health Inc.

☒ Novartis Pharmaceuticals Corporation, f/k/a Sandoz Pharmaceuticals Corp.

\_\_\_\_\_ Perrigo Company

\_\_\_\_\_ The Proctor & Gamble Distributing Company

\_\_\_\_\_ Rite Aid of Pennsylvania Inc.

\_\_\_\_\_ Schering-Plough Healthcare Products Inc.

\_\_\_\_\_ SmithKlineBeecham Corp., d/b/a GlaxoSmithKline

\_\_\_\_\_ Teva Pharmaceuticals USA

☐ Walgreen Corp.  
☐ Walgreen Eastern Co, Inc.  
☐ We Pharmaceuticals, Inc.  
☒ Whitehall-Robins Healthcare Division of American Home Products Corp.  
☐ Wyeth-Ayerst Pharmaceuticals, Inc.  
☐ Wyeth-Ayerst International Inc.  
☐ Wyeth-Ayerst Laboratories Division of American Home Products Corp.  
☐ Zee Medical Inc.  
☐ John Does Drug Store 1-49  
☐ Jane Does Manufacturers 50-99  
☐ Jack Does Distributors 100-149  
☐ Jim Does Marketers 150-199  
☐ Joan Does Healthcare Providers 200-249  
☐ Jake Does 250-299

6. The following claims asserted in the Master Complaint and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

<input checked="" type="checkbox"/>	Count I:	Negligence
<input checked="" type="checkbox"/>	Count II:	Product Liability - Defective Design
<input checked="" type="checkbox"/>	Count III:	Product Liability - Failure to Warn
<input checked="" type="checkbox"/>	Count IV:	NJ Consumer Fraud Act (N.J.S.A. 56:8-1 <i>et seq.</i> )
<input checked="" type="checkbox"/>	Count V:	Breach of Implied Warranty
<input checked="" type="checkbox"/>	Count VI:	Breach of Express Warranty
<input checked="" type="checkbox"/>	Count VII:	Fraud and Misrepresentation



If you have included any additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pleaded by the plaintiff in a manner complying with the requirements of the New Jersey Rules of Court.

**DEMAND FOR JURY TRIAL**

Demand is hereby made for a trial by jury.

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
Attorneys for Plaintiff

Dated: September 12, 2002

By:



Franklin P. Solomon  
51 Haddonfield Road, Suite 160  
Cherry Hill, NJ 08002  
Tel. (856) 488-9001  
Paul Pennock  
180 Maiden Lane  
New York, New York 10038  
Gen. (212) 558-5000  
Dir. (212) 558-5504  
Fax. (212) 363-2721

**CERTIFICATION PURSUANT TO RULE 4:5-1**

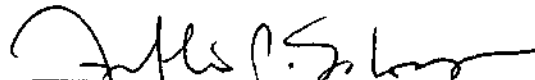
Plaintiff upon information and belief is not aware of any pending or contemplated action.

Further, upon information and belief, she/he is not aware of any other party who should be joined in this action.

**WEITZ & LUXENBERG**  
*A New York Professional Corporation*  
Attorneys for Plaintiff

Dated: September 12, 2002

By:



Franklin P. Solomon  
51 Haddonfield Road, Suite 160  
Cherry Hill, NJ 08002  
Tel. (856) 488-9001  
Paul Pennock  
180 Maiden Lane  
New York, New York 10038  
Gen. (212) 558-5000  
Dir. (212) 558-5504  
Fax. (212) 363-2721

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R.4:25-4, Ellen Relkin, is hereby designated as trial counsel in this matter.

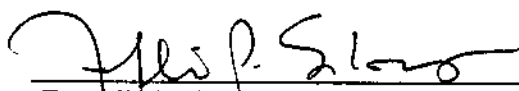
**WEITZ & LUXENBERG**

*A New York Professional Corporation*

Attorneys for Plaintiff

Dated: September 12, 2002

By:



Franklin P. Solomon

51 Haddonfield Road, Suite 160

Cherry Hill, NJ 08002

Tel. (856) 488-9001

Paul Pennock

180 Maiden Lane

New York, New York 10038

Gen. (212) 558-5000

Dir. (212) 558-5504

Fax. (212) 363-2721